

SENATE BILL 3423

By Marrero

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 16, Part 4, relative to misconduct by
certain public officials.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 16, Part 4, is amended by
adding the following new section:

39-16-410

(a) It is an offense for a district attorney general or assistant district attorney general to knowingly fail or refuse to disclose evidence the district attorney general or assistant knows or should know to be exculpatory to the defendant whether requested by the defendant pursuant to Rule 16 of the rules of criminal procedure, any other law or rule, or such evidence is in the district attorney's possession or known to the district attorney but a request for the specific evidence withheld is not made by the defendant.

(b)

(1) A violation of this section is a Class E felony.

(2) If the defendant is convicted of an offense as the result of a violation of this section and such evidence, if known to the defendant, would have or likely would have resulted in the defendant's acquittal, it is a Class D felony.